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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hovey, Williams, Timmons & Collins 2405 Grand Blvd., Suite 400 Kansas City, MI 64108				
			EXAMINER	
			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 07/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,024

Applicant(s)

KROEGER, DANN E.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed April 19, 2004.

Claims 1-15 have been cancelled.

Claims 16-26 have been added and are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-26 recite computer code *per se* and are therefore deemed to be non-statutory.

Appropriate correction is required.

Response to Arguments

4. Applicant's arguments filed April 19, 2004 have been fully considered but they are not persuasive.

Applicant's arguments are directed toward the newly added claims. These claims are addressed in the art rejection below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredell et al. (US 2001/0028364 A1) in view of Netmosphere's Enact Enterprise 4.0, as disclosed in the articles Angus ("Online Project-Management Teamware"), "Netmosphere® Announces Enact Enterprise System™ 4.0", and "The Tech Museum Achieves Project Collaboration Breakthrough With Enact Enterprise System."

Fredell discloses a computer program for implementing a critical path scheduling system, the program comprising:

[Claim 16] a project task manager program segment operable to receive a plurality of task records, to allow a user to change the task records, to identify critical project tasks, to generate a schedule based on the critical project tasks, and to adjust the schedule to reflect changes in critical project task records (¶¶ 9, 10, 11, 92, 93, 95, 120, 121);

a pro-active manager program segment operable to monitor a status of the schedule and to generate and communicate an alert based on the status (¶¶ 9, 10, 11, 17, 18, 92, 93, 95, 120, 121); and

a communications manager program segment operable to send and receive project-related communications generated by a user, by the project task manager

program segment, and by the pro-active manager program segment (¶¶ 9, 10, 11, 20, 35-43, 92, 93, 95, 120, 121);

[Claim 17] wherein the project task manager program segment is further operable to provide a project template, wherein the template includes a list of project tasks necessary to complete the project and allows the user to submit task records corresponding to each task (¶¶ 9, 10, 11, 17, 18, 90, 92, 93, 95, 120, 121, 122);

[Claim 18] wherein the project task manager program segment is further operable to link each task record to an electronic document (¶¶ 11, 93, 122);

[Claim 19] wherein the electronic document is necessary for the completion of the task (¶¶ 11, 93, 122);

[Claim 20] wherein the project task manager program segment is further operable to allow a user to view the schedule, the project tasks, the task records, and the electronic documents (¶¶ 9, 10, 11, 17, 18, 92, 93, 95, 98, 99, 100, 120, 121);

[Claim 21] further including a document manager program segment operable to receive and store the electronic documents and generate an alert based on a status of the documents (¶¶ 87, 95, 98);

[Claim 22] wherein the pro-active manager program segment is further operable to generate and communicate a request for information based on the status of the schedule (¶¶ 92, 93).

As per claims 16 and 22, Fredell generates a schedule based on data input by project participants and managers. Each task may be assigned a "criticality" level that

reflects its importance (§ 93). In a broad sense, since Fredell teaches the generation of a project schedule of tasks based on the "criticality" of each task, Fredell's schedule is generated based on a more generic interpretation of critical path scheduling. However, Fredell does not expressly make reference to use of the well-known scheduling method officially called "critical path scheduling." Enact Enterprise 4.0 makes up for this deficiency in its teaching of a project manager that promotes collaborative project management through the automated scheduling of tasks (linked to key documents), wherein scheduling may be performed using the critical path scheduling method (Angus: §§ 6, 10, 13; "Netmosphere® Announces Enact Enterprise System™ 4.0": § 4). The critical path scheduling method is a well-known scheduling method that facilitates the planning of more complex scheduling in a more efficient and timely manner. Since both Fredell and Enact Enterprise 4.0 are directed toward collaborative project management systems, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Fredell to generate its project management schedules utilizing the critical path scheduling method in order to facilitate the planning of more complex scheduling in a more efficient and timely manner.

Fredell discloses a computer program for implementing a critical path scheduling system, the program comprising:

[Claim 23] a project task manager program segment operable to provide a project template wherein the template includes a list of project tasks necessary to complete the

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project, to allow a user to populate the template with a task record related to one of the tasks and linked to an electronic document, and to allow one or more users to change the task record, the project task manager program segment being further operable to identify critical project tasks, to generate a schedule based on the critical project tasks, and to adjust the schedule to reflect changes in the critical project task records (¶¶ 9, 10, 11, 17, 18, 90, 92, 93, 95, 120, 121, 122);

a document manager program segment operable to receive and store the electronic document, monitor a due date and a status of the document, generate an alert based on the due date or the status, and communicate the alert to a recipient in a pre-determined manner (¶¶ 9, 10, 11, 17, 18, 87, 92, 93, 95, 98, 120, 121);

a pro-active manager program segment operable to monitor a status of the schedule, the project tasks, the electronic document, and the communication document, and operable to generate an alert and a request for information based on the status, wherein the alert and the request are necessary to maintain the schedule (¶¶ 9, 10, 11, 17, 18, 87, 92, 93, 95, 98, 120, 121); and

a communications manager program segment operable to send communications generated by a user or by the computer program, and to receive communications from a user or from an external source (¶¶ 7, 9, 10, 11, 20, 16, 35-43, 92, 93, 95, 120, 121).

As per claim 23, Fredell generates a schedule based on data input by project participants and managers. Each task may be assigned a "criticality" level that reflects its importance (¶ 93). In a broad sense, since Fredell teaches the generation of a

project schedule of tasks based on the "criticality" of each task, Fredell's schedule is generated based on a more generic interpretation of critical path scheduling. However, Fredell does not expressly make reference to use of the well-known scheduling method officially called "critical path scheduling." Enact Enterprise 4.0 makes up for this deficiency in its teaching of a project manager that promotes collaborative project management through the automated scheduling of tasks (linked to key documents), wherein scheduling may be performed using the critical path scheduling method (Angus: ¶¶ 6, 10, 13; "Netmosphere® Announces Enact Enterprise System™ 4.0": ¶ 4). The critical path scheduling method is a well-known scheduling method that facilitates the planning of more complex scheduling in a more efficient and timely manner. Since both Fredell and Enact Enterprise 4.0 are directed toward collaborative project management systems, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Fredell to generate its project management schedules utilizing the critical path scheduling method in order to facilitate the planning of more complex scheduling in a more efficient and timely manner.

Further regarding claim 23, Fredell discloses that "the Project Manager may define warning and overdue parameters that include who should be notified for each task and how far in advance a warning message should be sent" (¶ 92); however, Fredell fails to expressly teach that the pro-active manager program segment is further operable to generate an alert at the beginning of each day relating to a project task scheduled for that day. Fredell's project managers are given much control in

establishing task deadlines. Official Notice is taken that it is old and well-known in the art of project management to establish task deadlines in the form of due dates and to receive alerts to a task or project status at the beginning of each day. This practice provides a reminder to project participants and managers of what tasks need to be completed by the close of business each day, thereby increasing the likelihood of scheduled tasks being completed on time. Since Fredell provides project managers with the freedom to define warnings and overdue notifications as they wish, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Fredell's pro-active manager program segment to be further operable to generate an alert at the beginning of each day relating to a project task scheduled for that day in order to provide a reminder to project participants and managers of what tasks need to be completed by the close of business each day, thereby increasing the likelihood of scheduled tasks being completed on time.

As per claim 24, Fredell teaches that communications may be sent and received via an e-mail system (93, 98); however, Fredell does not expressly teach the use of other types of communication including a voice mail system, a hand held device system, and a FAX system. Official Notice is taken that it is old and well-known in the art of communications to conduct project related communications utilizing voice mail systems, hand held device systems, and FAX systems. For example, Enact Enterprise 4.0 enables communications with project team members and contributors bi-directionally via PDAs ("Netmosphere® Announces Enact Enterprise System™ 4.0": ¶ 12). In general, allowing users to communicate via an e-mail system, a voice mail system, a hand held

device system, and a FAX system makes the communication system more versatile and convenient when trying to reach users utilizing these various modes of communications. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Fredell such that its communications manager program segment is further operable to send and receive the communications via an e-mail system, a voice mail system, a hand held device system, and a FAX system in order to make the communication system more versatile and convenient when trying to reach users utilizing these various modes of communications.

Regarding claim 25, Fredell allows a user to send e-mail, notification of overdue tasks, and information regarding tasks and related documents (as discussed above); however, Fredell does not expressly teach that the same user interface used to create and send e-mail also includes a menu of task names to include in the e-mail, a menu of documents to include in or attach to the e-mail, and a calendar function that allows a user to choose a response date to include in the e-mail. Official Notice is taken that it is old and well-known in the art to provide users with a menu of available tasks and related data of interest in order to simplify the user's quick and efficient selection of needed data, e.g., to fill in a form. Since Fredell's users have access to the recited data, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to present the recited data in the form of menus such that the communications manager program segment is further operable to assist a user in generating an e-mail by providing a user interface that allows the user to create and send the e-mail, wherein the user interface includes a menu of task names to include in

the e-mail, a menu of documents to include in or attach to the e-mail, and a calendar function that allows a user to choose a response date to include in the e-mail in order to simplify the user's quick and efficient selection of needed data, e.g., to fill in a form (such as a standard e-mail reminder/message).

[Claim 26] Claim 26 recites limitations already addressed by the rejection of claims 16-25 above; therefore, the same rejection applies.

Furthermore, Fredell's project manager can reallocate tasks as seen fit; however, the Fredell-Enact Enterprise 4.0 combination fails to expressly teach that the project task manager program segment is further operable to move the critical path schedule ahead if a critical project task is completed before a due date and to move the critical path schedule back if a critical project task is complete after a due date, and to reschedule a non-critical project task in response to a change in the critical path schedule or to maintain the critical path schedule. However, the Examiner asserts that these scheduling options are common with the critical path schedule method. For example, if a given project task is completed ahead of schedule, then all dependent tasks may be moved up as well. Similarly, if a given project task is completed later than scheduled, then all dependent tasks would likely be delayed as well. If all project tasks are complete as expected, then no adjustments would likely need to be made to the project schedule. This is common scheduling procedure in order to assure that a project is complete in as timely a manner as possible, even when unexpected delays arise; therefore, the Examiner asserts that it would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to modify the Fredell-Enact Enterprise 4.0 combination such that the project task manager program segment is further operable to move the critical path schedule ahead if a critical project task is completed before a due date and to move the critical path schedule back if a critical project task is complete after a due date, and to reschedule a non-critical project task in response to a change in the critical path schedule or to maintain the critical path schedule in order to meet the needs of users who utilize this common scheduling procedure, thereby helping to assure that a project is complete in as timely a manner as possible, even when unexpected delays arise.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

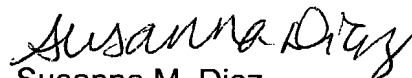
(703)305-7687	[Official communications; including After Final communications labeled "Box AF"]
(703)746-7048	[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

A handwritten signature in cursive script, reading "Susanna Diaz".

Susanna M. Diaz
Primary Examiner
Art Unit 3623
July 26, 2004